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ABSTRACT

The court-ordered desegregation plan under which the St. Louis (Missouri) Public School District has operated since 1983 has had a mixed reception and has suffered from inadequate funding. The desegregation effort began with the filing in 1972 of a class action suit alleging that operation of the schools was unconstitutionally discriminatory. After several court battles at district and appeals court levels, three separate but related plans were developed and approved: the Intradistrict Plan mandated forced integration of all city schools; the Vocational Education Plan allowed voluntary transfer of students among the city's and county's vocational high schools; and the Settlement Plan provided for other voluntary interdistrict transfers, magnet school program expansion, systemwide educational improvement, and special programs to improve all-black schools. All the plans involved monitoring by citizens' committees. This paper discusses the events leading up to the court-ordered plan, problems in implementing the plan, the effects of state actions, the need for and essential components of long-range planning, and the plan's impact. The role of the black superintendent is touched on briefly. (PGD)

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THE BLACK SUPERINTENDENT

AND

COURT-SUPERVISED DESEGREGATION

A PAPER PRESENTED TO
THE AMERICAN EDUCATIONAL RESEARCH ASSOCIATION'S
SYMPOSIUM: THE BLACK SUPERINTENDENCY:
CHALLENGE OR CRISIS

BY

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If Court-Supervised Desegregation Is The Answer, What Could Possibly Be The Question?

Court-supervised desegregation has been highly touted since 1954 as the only practical method for addressing constitutional violations in education that result from officially sanctioned discrimination. After more than three decades, and billions of dollars expended on legal fees, and gallons of petroleum for little yellow buses, Black Americans are still short-shrifted in the nation's educational arenas. How can this be--given the plethora of desegregation plans which have been mandated by courts throughout the country? An even more basic issue is what were the questions which court-supervised desegregation was supposed to answer?

Theoretically, the questions which court-supervised desegregation sought to address were rather obvious and straightforward. First and foremost, the question was legality. What are the mechanisms that could serve to eradicate racially bifurcated educational systems which were unequal as well as constitutionally illegal? Secondly, there was the question of equity. How could young folk, regardless of racial heritage or ethnicity, achieve equal access to educational resources and

experiences? How can society diminish discriminating effects of segregated education and provide, instead quality education to all students regardless of the individual school or district in which they are enrolled? How can youngsters reap the psychological benefits of learning to cooperate, interact, and co-exist with those from differing economic, religious, ethnic and social backgrounds? These questions, among others, are presumed to provide the rationale for persistent pursuit of court-supervised desegregation. However, careful scrutiny of some of the preliminary results of court-supervised desegregation reveal that the questions posed are not necessarily the questions answered.

The questions of 1954 appeared to flow from a concern for the "victims" of racial segregation. The answers provided thus far, by court-supervised desegregation, ironically reflect a concern for the "practitioners" of racial segregation.

In a recent study of the voluntary metropolitan school desegregation plan, in the city of St. Louis and 23 surrounding suburban school districts, Professor Daniel J. Monti Jr., of the University of Missouri concludes:

> Unfortunately, our metropolitan desegregation program does nothing to address the very real educational needs and problems of most poor and minority children in the St. Louis area.*

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*Daniel J. Monti, "It Wasn't Worth The Ride," The St. Louis Post-Dispatch, December 5, 1985, p. 3B, Col. 2-4.

It has provided financial solvency to predominantly white suburban school districts. In 1984-85, $15 million in special desegregation incentive funds were distributed among St. Louis area school districts. Predominantly black county districts received none of the funds; the St. Louis Public School District received only $900,000 or 6%. The remainder was funneled to the coffers of the predominantly white suburban districts with the biggest, newest, and wealthiest white districts receiving the lion's share. (They attracted more black students than they lost white students.)

Ladue School District received $580,000**

Clayton School District received $1 million

Parkway School District received $3.4 million

Court-supervised desegregation has also answered the question of excess staff and empty chairs in classrooms for many of the suburban districts. School administrators and teachers in these districts can now retain their jobs because vacant seats are now being filled by black city transfer students. Concomitantly, these districts have adroitly avoided, through their participation in the desegregation program, such tough political decisions as to which schools must be closed in face of dwindling student enrollments. NONE!

**Ladue is among the 34 most affluent suburbs in the country. Per capital income was $30,168 according to a 1980 Census of Population and Housing.

Hence, preliminary effects of court-supervised desegregation plans are somewhat disturbing. It appears that the original intentions of such plans have gone awry. Instead of providing desperately needed educational answers and experiences for those most harmed by segregation, they have provided financial windfalls for those districts least in need of help.

Since 1983, the St. Louis Public School District has been operated under a court-supervised desegregation plan. To date, the plan has received mixed reviews and the financial and educational resources provided to the 51,000 younsters in the district have fallen woefully short of community expectations.

The St. Louis Experience

The experience of the St. Louis Public School District with court-supervised desegregation began on February 18, 1972. A group of black parents, led by Mrs. Minnie Liddell, filed a class action suit alleging that the St. Louis School Board was guilty of constitutional violations in the operation of the St. Louis Public Schools. The Liddell group charged that the City School Board operated a segregated school system. Moreover, the suit contended that the City School Board appropriated more resources to schools that were comprised of predominantly white students than to schools that were predominantly black. This filing was the first step in what has been 15 years of expensive litigation.

The City School Board responded to the complaint by vehemently denying all of the allegations.

On Christmas Eve of 1975, the parties involved in the suit announced their support of a court-designed Consent Decree. Although the City School Board acknowledged no liability for what was termed a "racial imbalance," it proposed a set of internal and voluntary remedies. Among them were provisions to:

1. Racially balance its staff.
2. Consider the establishment of magnet elementary and secondary schools.
3. Study the realignment of feeder schools.

However, there were objections to the Consent Decree filed with the District Court by several of the teachers' unions and more significantly by the NAACP. The NAACP's objections to the Consent Decree emphasized the lack of compulsory goals and timetables to accomplish the purposes delineated in the Consent Decree. Their objections were promptly dismissed by the District Court. Nevertheless, on February 25, 1977, the U.S. Eighth Circuit Court of Appeals overturned the lower court's decision, and granted the NAACP permission to intervene, and made them a party to the desegregation case.

Subsequently in July of 1977, the District Court concluded that it was necessary to determine whether there had been any constitutional violations by the defendants (the City School Board and the State of Missouri). The trial began on October 17, 1977, five years after the initial filing by the Liddell group

and required 13 weeks of testimony, 39 witnesses and 7,115 pages of transcript.

On April 12, 1979, the District Court found that there had been no constitutional violations by any of the defendants. Immediately, an appeal was filed by the Liddell group and the NAACP. Once again, the U.S. Eighth Circuit Court of Appeals reversed the lower court's decision, and the case was remanded to the District Court. Additionally, the City School Board was ordered to submit a desegregation plan to the District Court within 60 days.

On May 2, 1980, the City School Board submitted its desegregation plan to the District Court. That plan included:

1. Creating middle schools.
2. Pairing and clustering of schools, including the mandatory assignment of students to achieve racial balance in the integrated schools.
3. Creating additional magnet schools.
4. Instituting compensatory and remedial programs for nonintegrated schools.

The plan was later embellished by the District Court which ordered the state of Missouri and the City School Board to:

1. Develop a plan for the voluntary exchange of students between St. Louis City and the suburban county school districts.
2. Develop a plan to merge vocational education programs of St. Louis City and County.
3. Develop a plan for interdistrict school desegregation for St. Louis City and County.

4. Establish a broadly based citizens' monitoring and advisory committee.

After the desegregation plan was determined to be constitutional by the Appeals Court, there still remained several points to be litigated. Preeminent among the unresolved issues was interdistrict desegregation. The City School Board and the surrounding suburban districts of St. Louis County could not agree on a voluntary interdistrict plan for desegregating the St. Louis schools. Eventually a Special Master was appointed by the District Court with the responsibility of reaching an out-of-court settlement on the issue of interdistrict desegregation. On February 22, 1983, the Special Master announced that an agreement in principle regarding interdistrict desegregation had been formulated as a major component of the Settlement Plan. Subsequently, on July 5, 1983 a detailed Settlement Plan was approved and ordered implemented by the District Court.

According to the Liddell group and the NAACP, the central issue to court-supervised desegregation was the provision of equal educational opportunity to black students. Related to that issue was the elimination of the de facto segregated school system that had continued to operate in St. Louis since 1954. Once the segregated system was dismantled, the plaintiffs envisioned mobilizing the resources of the community to provide a quality education to all children within the City of St. Louis.

The defendants in the St. Louis desegregation case had a much different perspective. The central issue that they devoted

their judicial resources to concerned the avoidance of legal liability. The state of Missouri, the City School Board, and the 23 St. Louis County School Districts all sought to deflect any liability for the verifiably discriminatory educational system that existed in St. Louis. In attempting to escape culpability, two of the defendants, the City School Board and the state of Missouri, developed an adversarial relationship by attempting to place liability with each other. The combative atmosphere established during this period has been carried over throughout the implementation of the desegregation plan.

The outcome of the St. Louis experience with school desegregation has been the production of three separate but related desegregation plans. The Intradistrict Plan, the Vocational Education Plan, and the Settlement Plan are the primary components of court-supervised desegregation in St. Louis.

The Intradistrict Plan focused on the elimination of segregation within the city school system. When the plan was initially implemented, the St. Louis school system was approximately 75% black and 25% white. The plan defined an integrated school as a school with an enrollment of 30% to 50% black, and in so doing, recognized that some 30,000 black students would still be attending predominantly black or all-black schools after the plan was implemented. Within this operative framework, the Intradistrict Plan required the

mandatory assignment of students to achieve racial balance, the creation of additional magnet schools and the provision of special compensatory and remedial programs for students in nonintegrated schools. The operation of this plan is carefully scrutinized by the court-appointed Desegregation Monitoring and Advisory Committee.

The Intradistrict Plan has been the easiest to implement since its very nature has precluded the involvement of other school districts. The only major impediment to its execution has been the recurring budget disputes between the City School Board and the State of Missouri. The State is required by court order to fund 50% of the cost of this plan.

The Vocational Education Plan was instituted by the District Court in May of 1981. It authorized the voluntary transfer of students among the city's vocational high school (O'Fallon Technical High School) and the three suburban vocational high schools (North County Technical School, South County Technical School, and West County Technical School). The plan has its own monitoring committees, the Metropolitan Coordinating Committee and the Bi-Racial Monitoring Team, which review the progress of the plan and recommend modifications of the plan. The plan is funded by the state, the City School Board, and the suburban school districts.

The Settlement Plan is by far the most comprehensive and controversial of the three desegregation plans in operation in St. Louis. It contains four major components:

1. Voluntary interdistrict transfers.

2. Magnet school program expansion.

3. Systemwide quality education improvements.

4. Special educational programs to improve all-black schools.

The Settlement Plan is complex because it necessitates the coordination of providing educational opportunities among all of the 24 school districts (including the City School District) in the metropolitan area. Concomitantly, the provision of transportation by the State of Missouri to the students who voluntarily transfer to other school districts compounds the complexity of administering this plan.

The Settlement Plan remains controversial due to the annual and persistent fighting over budgetary issues between the City School Board and the State of Missouri. The State of Missouri has been required to fund 50% and in some instances as much as 100% of the cost of the Settlement Plan. State officials, led by the State Attorney General's Office, have consistently challenged the budget proposals submitted by the City School Board and have often succeeded in reducing them.

Furthermore, there are three citizens' monitoring committees, the Voluntary Interdistrict Coordinating Council, the Magnet Review Committee, and the Budget Review Committee, that review and comment on the budget proposals and any proposed modifications to the Settlement Plan. These committees have further complicated matters by increasing the administrative layers in the court-supervised desegregation process.

The Problems of Implementation

One of the major barriers to implementing successfully the court-supervised desegregation plan has been insufficient funding. Because the St. Louis Public School District is not unlike other urban school districts, financial resources are scarce. Funds are sorely needed to upgrade facilities, to implement curriculum changes, and to provide comparable pay to attract a highly motivated and competent staff.

Although the State of Missouri was named a defendant and found guilty in the desegregation suit, the State has steadfastly resisted any involvement in the court-supervised desegregation plan. One can easily observe that the State is opposed to the court-ordered desegregation plan by the administrative indolence displayed in handling the transportation component of the voluntary interdistrict transfer program. The District Court ordered the State to implement and to assume managerial responsibility for the transportation of suburban students wishing to attend the city schools and city students desiring to transfer to suburban school districts. The transportation program has been riddled with negligence, operational problems, and a lack of adequate funds. The results have been disastrous for the retention of suburban students in the City's magnet schools.

While the court has ordered the State to fund the desegregation plan, it also has played a major role in relieving

the State of its fiscal responsibility. It has consistently slashed the State's funding responsibility to a minimum. For the school year 1985-86, the court approved only 58% of the budget submitted by the school district, thus markedly reducing the State's liability. For the 1984-85 school year, the court approved only 51% of the desegregation budget.

The large reduction in the State's share of the desegregation budget has hampered budgetary planning, staffing, and the procurement of supplies. Although the calendar year for school operations starts in early September, budgetary decisions by the District Court are usually not made until the end of August. For proper school operations, staffing and supplies should be allocated months before the start of the school year.

Another major barrier to implementing successfully the court-supervised desegregation plan has been the woeful condition of the city's school buildings. In order to provide quality education to all students, whether they reside in the City or suburbs, the city school facilities must be comparable to the suburban facilities. Of the 127 city schools in operation, 67% are more than 50 years old. An overwhelming majority of the buildings require tuckpointing, roof repairs, insulation, and other numerous repairs. The estimated cost to meet City building code standards and to modernize the buildings is over $400 million.

To finance capital improvements, the School Board has

persistently pursued public bond issues. The drawback to this method of financing is that the bonds must be repaid by increasing the city's property tax rate. The City School District has not successfully passed a bond issue since 1962. The 1962 bond issue did not provide funds to make necessary repairs to existing schools, rather the revenue was earmarked for the construction of new schools to relieve overcrowding primarily in North St. Louis and also to contain the black student population in the north. Since 1962, thirteen bond issues for repairs and renovations have been defeated.

There are at least two major reasons for the failure to secure passage of school bond issues. First, a minority vote of 33% can defeat a bond proposal. The State Constitution requires school districts to receive a two-thirds majority vote for a bond issue to pass. Every bond issue in the last 13 years that failed has received greater than 50% voter approval but not the two-thirds needed.

Secondly, bond issues have been difficult to pass because of the historical racial dichotomy of the city of St. Louis. The north side of the city is predominantly black and youthful, whereas, the south side is predominantly white and elderly. Since many of the south side residents are empty nesters and elderly on fixed incomes, they tend to vigorously oppose school bond issues because it would increase their property taxes. They also vote in greater numbers than the younger north side residents who generally favor the bond issues.

The Solution: Long-Range Educational Planning

Whether a school district under a court-supervised desegregation plan benefits more from the stewardship of a black or a white superintendent depends on their skills. The requisite skills that they possess must include the ability to implement long-range educational planning--the only viable strategy for providing quality educational services for those most in need with the least amount of resources. There are six major steps in long-range educational planning.

The first step is to conduct an assessment of the environment. This includes a thorough examination of the demographic, housing, economic, and political trends affecting the city and ultimately school enrollment.

The second step is to assess the needs of the constituents of the school district. Surveys should be performed to determine the educational needs and perceptions of the community. Survey findings from this needs assessment should be analyzed within the context of the environmental assessment findings. Components of a needs assessment should include:

1. A survey of residents, parents, students, teachers, and administrators.
2. An analysis of student test scores.
3. A study of the careers, jobs and life aspirations of students.
4. A review of recent national educational research.

The third step in long-range educational planning is the preparation of a curriculum response to the needs assessment and environmental findings. The curriculum plan should also be cognizant of state and federal requirements and educational guidelines. St. Louis' curriculum plan delineates:

1. A strong core curriculum with emphasis on reading, writing, and verbal communication skills.
2. Increased emphasis on computer technology.
3. Increased emphasis on math and science.
4. A foreign language requirement.
5. Gradual reduction of pupil-teacher ratios.

The fourth step in long-range educational planning is the development of a human resources plan. Certain aspects of the curriculum plan may require realigning or increasing the staff. For instance, a foreign language requirement increases the need for foreign language teachers. Obviously, the gradual reduction of pupil-teacher ratios will also require additional teachers and support staff.

The fifth step is the assessment of physical facilities. Implementation of the curriculum plan has direct implications on school facilities requirements. Appropriate physical settings are needed to provide space for the curriculum that has been designed. Examples of facility improvements mandated by curriculum changes may include:

1. Upgraded science laboratories

2. Additional computer laboratories

3. Expanded library facilities

4. Art and music rooms

5. Foreign lanaguage instructional labs

The final step in the planning process is the preparation of a fiscal plan. Fiscal projections of expenditures should be based on the curriculum, human resources, and facilities plans. These projected expenditures should be compared with projected school district revenues from current sources. This will indicate the need for new funding or for the readjustment of the components of the long-range plan.

There is another integral aspect of the educational long-range planning process: community input. In St. Louis, we formed a 62-member citizens' group from the business, civic, educational, medical, neighborhood, and public sectors to function as an advisory body for the formulation of the long-range plan. As we went through the sequential planning steps, we met with the advisory body for aid in review and analysis.

Of course, the most crucial part of any planning effort is implementation. To facilitate this, each operational division was responsible for the development of the pertinent long-range plan components. The curriculum, human resources, and fiscal plans were prepared, respectively by the Curriculum, Personnel, and Finance Divisions. To facilitate plan implementation, the top department heads were intimately involved in the development of their long-range plan components.

Conclusion

The demands placed on large urban predominantly black school districts by court-supervised desegregation are enormous but not insurmountable. The role of the black superintendent placed in this situation is especially challenging. The successful superintendent, whether black or white, must be able to navigate the treacherous waters of judicial review, the public's emotional resistance to court-supervised desegregation, and the fiscal constraints imposed by the courts. These components of court-supervised desegregation are clearly out of the realm of any school superintendent's control. When the superintendent arrives at this realization, he can then focus his attention on building a base of support for the school system among its clients, students, parents, and taxpayers.

This is what we have attempted to do in St. Louis. In order to build a base of support, we have channeled our energy and resources toward the development of quality education and its delivery to all of our clients on a equitable basis.

A black superintendent of schools can have a significant impact on a school system, in that he or she usually raises the expectations of the black community. If properly handled, these increased expectations can be translated into greater community involvement which can lead to more intense parental commitment and ultimately may produce higher student achievement and esteem.

Substantial progress has been made in St. Louis toward

consolidating the city's support of the public schools. In recent tax levy and bond issue elections, the community has supported the school system with 62% and 63% majorities respectively, although we are still short of the two-thirds majority needed to fund facility improvements. Also, the political and business leaders of the community have started to become believers in the school system's future and have supported tax increases.

Why has this turnaround occurred? The primary reason for the school system's survival of the court-supervised desegregation case has been the formulation of a logical and incremental long-range planning process. This planning process permits school officials, parents, taxpayers, and community leaders to place court-supervised desegregation issues in the proper educational context. Through expertise and information developed in the long-range planning process, court actions are not responded to in a haphazard manner. They are evaluated and implemented in a manner that consistently places the needs of the school children in its proper perspective. The community can identify with and support the school system when it is familiar with both the goals and the resources of the school system.